

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES

v.

MANNING, Bradley E., PFC

U.S. Army, xxx-xx (b) (6)

Headquarters and Headquarters Company, U.S.

Army Garrison, Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

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**DEFENSE CALCULATION OF
MAXIMUM PUNISHMENT**

DATED: 25 October 2012

1. The Defense calculates the maximum punishment authorized in this case, based solely on PFC Manning's guilty plea to be a dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1,290 months (107 years and 6 months). The Defense reaches this calculation as follows:

a) Specification 1 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years. Court's Ruling at Appellate Exhibit CCXIX.

b) Specification 2 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

c) Specification 3 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

d) Specification 4 of Charge II: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year. Court's Ruling at Appellate Exhibit CCXIX which determined that the clause 1 and 2 offenses charged using the elements of 18 U.S.C. Section 641 are closely related to Article 121, UCMJ, Larceny of Military Property of a value in excess of \$500.00. Since PFC Manning is pleading to military property of a value of \$500.00 or less, the Defense looks to the maximum punishment under Article 121, UCMJ, Larceny of Military Property of a value of \$500.00 or less. The maximum punishment for that offense is a bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.

e) Specification 5 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

f) Specification 6 of Charge II: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year. Court's Ruling at Appellate Exhibit CCXIX which determined that the clause 1 and 2 offenses charged using the elements of 18 U.S.C. Section 641 are closely related to Article 121, UCMJ, Larceny of Military Property of a value in excess of

\$500.00. Since PFC Manning is pleading to military property of a value of \$500.00 or less, the Defense looks to the maximum punishment under Article 121, UCMJ, Larceny of Military Property of a value of \$500.00 or less. The maximum punishment for that offense is a bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.

g) Specification 7 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

h) Specification 8 of Charge II: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year. Court's Ruling at Appellate Exhibit CCXIX which determined that the clause 1 and 2 offenses charged using the elements of 18 U.S.C. Section 641 are closely related to Article 121, UCMJ, Larceny of Military Property of a value in excess of \$500.00. Since PFC Manning is pleading to military property of a value of \$500.00 or less, the Defense looks to the maximum punishment under Article 121, UCMJ, Larceny of Military Property of a value of \$500.00 or less. The maximum punishment for that offense is a bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.

i) Specification 9 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

j) Specification 10 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

k) Specification 11 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

l) Specification 12 of Charge II: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months. Court's Ruling at Appellate Exhibit CCXIX which determined that the clause 1 and 2 offenses charged using the elements of 18 U.S.C. Section 641 for this offense are closely related to Article 121, UCMJ, Larceny of Non-Military Property of a value in excess of \$500.00. Since PFC Manning is pleading to non-military property of a value of \$500.00 or less, the Defense looks to the maximum punishment under Article 121, UCMJ, Larceny of Non-Military Property of a value of \$500.00 or less. The maximum punishment for that offense is a bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

m) Specification 13 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

n) Specification 14 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

o) Specification 15 of Charge II: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years. Court's Ruling at Appellate Exhibit CCXIX.

p) Specification 5 of Charge III: Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years. Article 92, UCMJ, Violation of or failure to obey lawful general order or regulation.

2. The Defense has covered the maximum punishment with PFC Manning. PFC Manning understands that based upon his plea of guilty alone, this Court could sentence him to the maximum punishment as stated above.

Respectfully submitted,

DAVID EDWARD COOMBS
Civilian Defense Counsel